

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARIAN J. LODGE, et al.,

Plaintiffs,

v.

BANK OF AMERICA, NA,

Defendant.

Case No. C07-5241RJB

ORDER DENYING STIPULATION  
TO TRANSFER CASE AND  
DENYING MOTION TO TRANSFER  
CASE

This matter comes before the court on the above-referenced stipulation (Dkt. 6) and motion (Dkt. 8). The parties seek to transfer this case to the District of Oregon under the authority of 28 U.S.C. § 1404 “for the convenience of the parties and witnesses and in the interests of justice.”

The showing remains scant: “With few exceptions, all of the parties, witnesses, and their attorneys are located in the Vancouver, Washington/Portland, Oregon”area.” Dkt. 9, Declaration of James P. Laurick. First, the convenience of counsel is not included in the statute. Second, it is in this Judge’s view, not appropriate to saddle the District of Oregon with Western District of Washington cases simply because many of the people involved as parties and witnesses live near the Columbia River and, therefore, closer to the Portland Federal Courthouse than to the Tacoma Federal Courthouse. Boundaries are there for a reason, and it is simply not appropriate to send

1 matters that arise near a border to the closest place of holding court. Third, the court cannot  
2 determine, from the showing made, just what parties and witnesses live and/or work in Oregon.

3 The court would further note that there are few or no hearings that require personal  
4 attendance in court in most litigation, and that something over ninety percent of civil cases settle  
5 before trial, never requiring court appearance.

6 The parties should also be aware that, except for jury trials, on stipulation and for the  
7 convenience of the parties and witnesses, the Tacoma federal judges are willing to hold court at the  
8 Federal Building in Vancouver, Washington.

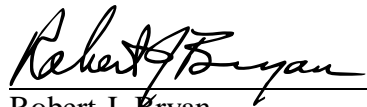
9 In spite of the fact that this motion should be denied on the showing made, the court will do  
10 what it can to conduct the litigation in a just, speedy and inexpensive fashion in accord with Federal  
11 Rule of Civil Procedure 1.

12 For the foregoing reasons, it is now

13 ORDERED that the stipulation for transfer of the case to the District of Oregon is rejected  
14 (Dkt. 6) , and the Motion to Transfer Case (Dkt. 8) is denied.

15 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of  
16 record and to any party appearing *pro se* at said party's last known address.

17 DATED this 20<sup>th</sup> day of June, 2007.

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20 Robert J. Bryan  
21 United States District Judge  
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